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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/960,005

09/20/2001

Teruhiko Fujisawa

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05/06/2004

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EXAMINER

ENG, GEORGE

ART UNIT

PAPER NUMBER

2643

10

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/960,005

Applicant(s)

FUJISAWA ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 3/31/2003 (paper no. 9) has been considered.

### ***Drawings***

3. The amended drawings were received on 5/10/2002 (paper no. 8). These drawings are acceptable.

### ***Specification***

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Response to Preliminary Amendment***

5. This Office action is in response to the preliminary amendment filed 5/10/2002 (paper no. 7).

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 26-39 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

Regarding claims 26, 31 and 36-39, each of the claims fail to ensure define statutory subject matter such that each of the claims discloses two statutory subject matters, i.e., machine and process. Thus, one of ordinary skill in the art would not recognize that the identified specific and substantial utility was well-established at the time of filing. In addition, claims 27-30 and 32-35 are also rejected because of depending on claims 26 and 31, respectively, containing the same deficiency.

Claims 26-39 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

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patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 19, 21, 24-25, 31, 33, 37 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Rautila (US PAT. 6,714,797).

Regarding claim 19, Rautila discloses a portable wireless device (10, figure 2) for carrying out radio communication with an external transmitting and receiving device comprised of a wireless information distribution device (70, figure 1), comprising a transmitting and receiving unit (210 and 220, figure 2) for carrying out radio communication, a memory (240, figure 2) for storing service information request, a display (200, figure 2) and a control unit (230, figure 2) for transmitting a communication ready signal and a service information request to the external transmitting and receiving device when within range, and for displaying service information sent from the external transmitting and receiving device in response to the service information request (col. 5 lines 9-22 and col. 6 line 41 through col. 7 line 21).

Regarding claim 21, Rautila discloses the service information request including user attributes, i.e., order number, wherein the memory of the wireless information distribution device stores the information corresponding to the user attributes, and the control unit of the wireless information distribution device (70, figure 1) retrieves the information from the memory corresponding to user attributes (col. 6 lines 50-64)

Regarding claim 24, Rautila discloses the transmitting and receiving unit carrying out radio communication with the external transmitting and receiving device only upon receiving a

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communication request signal sent from the external transmitting and receiving device (col. 6 lines 46-49).

Regarding claim 25, Rautila teaches the display of the mobile phone for displaying cellular phone signals including time for a predetermined period after receiving the cellular phone signals from the external transmitting and receiving device (col. 5 lines 9-22).

Regarding claim 31, the limitations of the claim are rejected as the same reasons set forth in claim 19.

Regarding claim 33, the limitations of the claim are rejected as the same reasons set forth in claim 21.

Regarding claims 37 and 39, the limitations of the claims are rejected as the same reasons set forth in claim 19.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-2, 6-9, 11, 18, 26, 28, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yabuki (US PAT. 5,796,351) in view of Rautila (US PAT. 6,714,797).

Regarding claim 1, Yabuki discloses a wireless information distribution system comprising a wireless information distribution device (10, figure 1) and a portable wireless device (40, figure 1), wherein the wireless information distribution device comprises an external transmitting and receiving device (13, figure 1 or 30A, figure 4) for carrying out wireless communication with the portable wireless device, a first memory (12, figure 1) for storing service information and a first control unit (11, figure 1) for retrieving service information from the first memory for transmission to the portable wireless device in response to, and corresponding to, a service information request, i.e., an identification signal, sent by the portable wireless device to the external transmitting and receiving device, the first control unit being further effective for controlling the transmitting of the retrieved service information to the portable wireless device (col. 3 lines 38-41 and col. 4 lines 37-58), and the portable wireless device includes a communication unit (51A-51D, figure 1) read as a second memory for storing the service information request, a display (44, figure 1 or 404, figure 4), a transmitting and receiving unit (42, figure 1 or 402, figure 4) for carrying out wireless communication with the wireless information distribution device, and a second control unit (41, figure 1 or 401, figure 4) for transmitting via the transmitting and receiving unit the service information request stored in the second memory to the external transmitting and receiving device and for displaying service

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information on the display sent from the external transmitting and receiving device in response to the service information request (col. 3 lines 41-54 and col. 4 lines 37-58). Yabuki differs from the claimed invention in not specifically teaching the first control unit for retrieving service information from the first memory for transmission to the portable wireless device when the portable wireless device is within range of the external transmitting and receiving device so that the second control unit of the portable wireless device is operable to transmit a communication-ready signal to the external transmitting and the receiving device and the transmitting and receiving unit of the portable wireless device is carrying out wireless communication with the wireless information distribution device when the portable wireless device is within range of the wireless information distribution device. However, Rautila teaches a system for transferring digital data to a mobile device having a hotspot device for transmitting digital data to a user terminal (10, figure 1) when the user terminal is within the range of the hotspot device, wherein the user terminal is operable to transmit an order, i.e., a communication-ready signal, to the hotspot device and to carry out wireless communication with the hotspot device when the user terminal is within range of the hotspot device (figure 5, and col. 6 line 41 through col. 7 line 21) in order to make user friendly, thereby large quantities of digital data can be quickly and inexpensively transferred to a mobile communication device. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Yabuki in having the first control unit for retrieving service information from the first memory for transmission to the portable wireless device when the portable wireless device is within range of the external transmitting and receiving device so that the second control unit of the portable wireless device is operable to transmit a communication-ready signal to the external transmitting



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and the receiving device, and the transmitting and receiving unit of the portable wireless device is carrying out wireless communication with the wireless information distribution device when the portable wireless device is within range of the wireless information distribution device, as per teaching of Rautila, in order to make user friendly, thereby large quantities of digital data can be quickly and inexpensively transferred to a mobile communication device.

Regarding claim 2, Rautila discloses the hotspot device transmitting a communication request signal at regular intervals so that the user terminal is able to detect the communication request signal upon within the range with the hotspot, wherein the user terminal transmits the service information request to the hotspot device upon receives the communication request signal (col. 6 lines 46-53).

Regarding claim 6, Yabuki discloses the service information request including user attributes, i.e., identification code, wherein the memory of the wireless information distribution device (12, figure 1) stores the information corresponding to the user attributes, and the control unit of the wireless information distribution device (11, figure 1) retrieves the information from the memory corresponding to user attributes (col. 4 lines 39-58).

Regarding claim 7, Yabuki discloses the service information request being real time based information, i.e., information of exhibition objects (col. 1 line 60 through col. 2 line 22).

Regarding claim 8, Rautila discloses that the service information request made by the portable wireless device is local-specific information (col. 7 lines 22-46).

Regarding claim 9, Yabuki discloses a wireless information distribution device (10, figure 1) comprising a memory (12, figure 1) for storing service information, an external transmitting and receiving device (13, figure 1) for carrying out radio communication with

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mobile wireless device (40, figure 1) and a control unit (11, figure 1) for retrieving from the memory, responsive and corresponding to a service request sent by the mobile wireless device to the external transmitting and receiving device, service information for transmission to the mobile wireless device and transmitting the retrieved service information via the external transmitting and receiving device (col. 3 lines 41-54 and col. 4 lines 37-58). Yabuki differs from the claimed invention in not specifically teaching the control unit for retrieving service information from the first memory for transmission to the portable wireless device when the portable wireless device is within range of the external transmitting and receiving device. However, Rautila teaches a system for transferring digital data to a mobile device having a hotspot device for transmitting digital data to a user terminal (10, figure 1) when the user terminal is within the range of the hotspot device, wherein the user terminal is operable to transmit an order, i.e., a communication-ready signal, to the hotspot device and to carry out wireless communication with the hotspot device when the user terminal is within range of the hotspot device (figure 5, and col. 6 line 41 through col. 7 line 21) in order to make user friendly, thereby large quantities of digital data can be quickly and inexpensively transferred to a mobile communication device. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Yabuki in having the control unit for retrieving service information from the first memory for transmission to the portable wireless device when the portable wireless device is within range of the external transmitting and receiving device, as per teaching of Rautila, in order to make user friendly, thereby large quantities of digital data can be quickly and inexpensively transferred to a mobile communication device.

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Regarding claim 11, the limitations of the claim are rejected as the same reasons set forth in claim 6.

Regarding claim 18, the limitations of the claim are rejected as the same reasons set forth in claim 2.

Regarding claim 26, the limitations of the claim are rejected as the same reasons set forth in claim 9.

Regarding claim 28, the limitations of the claim are rejected as the same reasons set forth in claim 6.

Regarding claims 36 and 38, the limitations of the claims are rejected as the same reasons set forth in claim 9.

12. Claims 3-4, 12-17 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yabuki (US PAT. 5,796,351) in view of Rautila (US PAT. 6,714,797) as applied to claims above, and further in view of Dousaka et al. (JP 09-044754 hereinafter Dousaka).

Regarding claims 3-4, the combination of Yabuki and Rautila differs from the claimed invention in not specifically teaching the wireless information distribution system for storing service information relating to movement of transportation means including various departure points and destinations, and various corresponding transportation so that the control unit of the wireless information distribution device retrieving service information from the wireless information distribution device to the service information request. However, Dousaka teaches a confirmation device for guiding to destination having a storage part for storing transportation information including various departure points and destination points and a control part for

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retrieving transportation information from the storage part upon an input, i.e., service information request from an input part (abstract) in order to make user friendly by providing transportation information to the user. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Yabuki and Rautila in storing service information relating to movement of transportation means including various departure points and destinations, and various corresponding transportation so that the control unit of the wireless information distribution device retrieving service information from the wireless information distribution device to the service information request, as per teaching of Dousaka, in order to make user friendly by providing transportation information to the user.

Regarding claims 12-17, the limitations of the claims are rejected as the same reasons set forth in claims 3-4.

Regarding claim 29-30, the limitations of the claims are rejected as the same reasons set forth in claims 3-4.

13. Claims 5, 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yabuki (US PAT. 5,796,351) in view of Rautila (US PAT. 6,714,797) as applied to claims above, and further in view of Ilen (WO 95/11496 A1).

Regarding claim 5, the combination of Yabuki and Rautila differs from the claimed invention in not specifically teaching to apply the wireless information distribution system to an entry/exit management system, wherein the service information including information for identifying a user and entry/exit request of said user so that the external transmitting and

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receiving device being provided in vicinity of an entry/exit controlling device so that the control unit of the wireless information distribution device receives an entry/exit request via the external transmitting and receiving device for judging whether to allow the request and controlling the entry/exit controlling device based on the judgment. However, Ilen teaches to apply a wireless information distribution system to an entry/exit management system comprising a wireless information distribution device having an entry/exit control device (4, 5, figure 1) for receiving an entry/exit request via an external transmitting and receiving device (1, figure 1) so that a control unit of the wireless information distribution device judges whether to allow the request and controls the entry/exit control device based on the judgment in order to apply the system to the entry/exit management system for making effective and rapid entrance and check-out performance (page 2 line 4 through page 6 line 5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Yabuki and Rautila in applying the wireless information distribution system to an entry/exit management system, wherein the service information including information for identifying a user and entry/exit request of said user so that the external transmitting and receiving device being provided in vicinity of an entry/exit controlling device so that the control unit of the wireless information distribution device receives an entry/exit request via the external transmitting and receiving device for judging whether to allow the request and controlling the entry/exit controlling device based on the judgment, as per teaching of Ilen, in order to apply the system to the entry/exit management system for making effective and rapid entrance and check-out performance.

Regarding claim 10, the limitations of the claim are rejected as the same reasons set forth in claim 5.

Regarding claim 27, the limitations of the claim are rejected as the same reasons set forth in claim 5.

14. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila (US PAT. 6,714,797) as applied to claims above, and further in view of Ilen (WO 95/11496 A1).

Regarding claim 20, Rautila differs from the claimed invention in not specifically teaching to apply the wireless information distribution system to an entry/exit management system so that the service information request including the user information and user entry/exit request. However, Ilen teaches to apply a wireless information distribution system to an entry/exit management system, wherein the service information request comprises user information and user entry/exit request in order to apply the system to the entry/exit management system for making effective and rapid entrance and check-out performance (page 2 line 4 through page 6 line 5). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rautila in having the service information request including the user information and user entry/exit request, as per teaching of Ilen, in order to apply the system to the entry/exit management system for making effective and rapid entrance and check-out performance.

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15. Claims 22-23 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila (US PAT. 6,714,797) as applied to claims above, and further in view of Dousaka et al. (JP 09-044754 hereinafter Dousaka).

Regarding claims 22-23, Rautila differs from the claimed invention in not specifically teaching the wireless information distribution system for storing service information relating to user transportation information including departure point and destination of the user so that the service information request includes the user transportation information and the service information received via the transmitting and receiving unit for information about movement of the transportation specified in the user transportation information. However, Dousaka teaches a confirmation device for guiding to destination having a storage part for storing transportation information including various departure points and destination points and a control part for retrieving transportation information from the storage part upon an input, i.e., service information request from an input part (abstract) in order to make user friendly by providing transportation information to the user. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Rautila in having wireless information distribution system for storing service information relating to user transportation information including departure point and destination of the user so that the service information request includes the user transportation information and the service information received via the transmitting and receiving unit for information about movement of the transportation specified in the user transportation information, as per teaching of Dousaka, in order to make user friendly by providing transportation information to the user.

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Regarding claims 34-35, the limitations of the claims are rejected as the same reasons set forth in claims 22-23.

*Conclusion*

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rautila et al. (US PAT. 6,549,625) discloses a method and system for connection a mobile terminal to a database (abstract).

Van Horn et al. (US PAT. 6,545,605) discloses a method for determining a communication range of an interrogator of a wireless identification system (abstract).

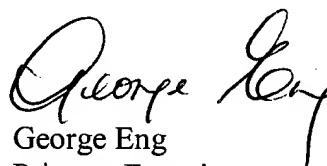
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "George Eng". The signature is fluid and cursive, with the first name "George" and the last name "Eng" clearly distinguishable.

George Eng  
Primary Examiner  
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